

United States Bankruptcy Court for the:

Eastern District of Virginia

Case number (if known): \_\_\_\_\_

Chapter you are filing under:

- ☐ Chapter 7  
☒ Chapter 11  
☐ Chapter 12  
☐ Chapter 13

☐ Check if this is an  
amended filing

## Official Form 201

## Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Burke Mountain Southeast, LLC

2. All other names debtor used  
in the last 8 years

Include any assumed names,  
trade names, and *doing business*  
as names

3. Debtor's federal Employer  
Identification Number (EIN) 46-2228968

4. Debtor's address

Principal place of business

Mailing address, if different from principal place  
of business

5206 Markel Road

Number Street

Suite 200

Richmond

VA 23230

City

State

ZIP Code

Richmond County

County

Number Street

P.O. Box

City

State

ZIP Code

Location of principal assets, if different from  
principal place of business

Various (over 700 parcels)

Number Street

Connellys Springs NC 28612

City

State

ZIP Code

5. Debtor's website (URL)

6. Type of debtor

- ☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))  
☐ Partnership (excluding LLP)  
☐ Other. Specify: \_\_\_\_\_

Debtor Burke Mountain Southeast, LLC Case number (if known) \_\_\_\_\_  
 Name \_\_\_\_\_

**7. Describe debtor's business**

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))  
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
☐ Railroad (as defined in 11 U.S.C. § 101(44))  
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))  
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))  
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))  
☒ None of the above

B. Check all that apply:

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)  
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)  
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.  
See <http://www.naics.com/search/>.0065**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

Check one:

- ☐ Chapter 7  
☐ Chapter 9  
☒ Chapter 11. Check all that apply:

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11**. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).  
☐ A plan is being filed with this petition.  
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).  
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.  
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**☒ No

☐ Yes. District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
 MM / DD / YYYY  
 District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
 MM / DD / YYYY

If more than 2 cases, attach a separate list.

**10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?**☐ No

☒ Yes. Debtor Bon View Developers, LLC Relationship Affiliate  
 District E.D. Virginia When \_\_\_\_\_  
 Case number, if known \_\_\_\_\_  
 MM / DD / YYYY

List all cases. If more than 1, attach a separate list.

Debtor Burke Mountain Southeast, LLC Case number (if known) \_\_\_\_\_  
Name

**11. Why is the case filed in *this* district?**

*Check all that apply:*

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

**12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?**

- ☒ No
- ☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

**Why does the property need immediate attention?** *(Check all that apply.)*

- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.  
What is the hazard? \_\_\_\_\_
- ☐ It needs to be physically secured or protected from the weather.
- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- ☐ Other \_\_\_\_\_

**Where is the property?**

Number \_\_\_\_\_ Street \_\_\_\_\_  
\_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**Is the property insured?**

- ☐ No
- ☐ Yes. Insurance agency \_\_\_\_\_  
Contact name \_\_\_\_\_  
Phone \_\_\_\_\_

**Statistical and administrative information**

**13. Debtor's estimation of available funds**

*Check one:*

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

**14. Estimated number of creditors**

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000   | <input type="checkbox"/> 25,001-50,000     |
| <input type="checkbox"/> 50-99           | <input type="checkbox"/> 5,001-10,000  | <input type="checkbox"/> 50,001-100,000    |
| <input type="checkbox"/> 100-199         | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999         |  |  |

**15. Estimated assets**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000          | <input checked="" type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion     |
| <input type="checkbox"/> \$50,001-\$100,000    | <input type="checkbox"/> \$10,000,001-\$50 million           | <input type="checkbox"/> \$1,000,000,001-\$10 billion  |
| <input type="checkbox"/> \$100,001-\$500,000   | <input type="checkbox"/> \$50,000,001-\$100 million          | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million         | <input type="checkbox"/> More than \$50 billion        |

Debtor Burke Mountain Southeast, LLC  
Name

Case number (if known) \_\_\_\_\_

**16. Estimated liabilities**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000          | <input checked="" type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion     |
| <input type="checkbox"/> \$50,001-\$100,000    | <input type="checkbox"/> \$10,000,001-\$50 million           | <input type="checkbox"/> \$1,000,000,001-\$10 billion  |
| <input type="checkbox"/> \$100,001-\$500,000   | <input type="checkbox"/> \$50,000,001-\$100 million          | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million         | <input type="checkbox"/> More than \$50 billion        |

**Request for Relief, Declaration, and Signatures**

**WARNING --** Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature of authorized representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 08/27/2020  
MM / DD / YYYY

**X** /s/ Ray Hollowell, Jr.

Signature of authorized representative of debtor

Ray Hollowell, Jr.

Printed name

Title Manager

**18. Signature of attorney**

**X** /s/ Karen Crowley

Signature of attorney for debtor

Date 08/27/2020

MM / DD / YYYY

Karen Crowley

Printed name

Crowley Liberatore, PC

Firm name

Town Point Center 150 Boush Street, Ste 604

Number Street

Norfolk

City

VA

State

23510

ZIP Code

7573334500

Contact phone

kcrowley@clrbfirm.com

Email address

35881

Bar number

VA

State

**Fill in this information to identify the case:**

Debtor name Burke Mountain Southeast, LLC

United States Bankruptcy Court for the: Eastern District of Virginia

Case number (if known): \_\_\_\_\_

☐ Check if this is an amended filing

## Official Form 204

### Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an *insider*, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim		
					If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
1	Tom Coates PO Box 11787 5206 Markel Road, Suite 200 Richmond, VA, 23230			Disputed			75,000.00
2	Estate of George W. Brown 17500 Frederick Road Mount Airy, 21771			Disputed			10,000.00
3	Bruce Miller, CPA PO Box 70 40222 Methodist Church Road Avon, NC, 27915						8,064.00
4	Coates & Davenport 5206 Markel Road Suite 200 Richmond, VA, 23230						1,650.00
5	Bissell Professional Group BPG, Inc. PO Box 1068 Kitty Hawk, NC, 27949						914.00
6	Charles F. Miller, Jr. (Jt owner of Brown claim) 6389 Red Spruce Lane Sykesville, 21784						0.00
7							
8							

Debtor Burke Mountain Southeast, LLC  
Name

Case number (if known) \_\_\_\_\_

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

**Fill in this information to identify the case and this filing:**

Debtor Name Burke Mountain Southeast, LLC

United States Bankruptcy Court for the: Eastern District of Virginia

Case number (If known): \_\_\_\_\_

**Official Form 202**

**Declaration Under Penalty of Perjury for Non-Individual Debtors**

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

**WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**

**Declaration and signature**

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ Amended Schedule \_\_\_\_\_
- ☒ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 08/27/2020  
MM / DD / YYYY

 /s/ Ray Hollowell, Jr.

Signature of individual signing on behalf of debtor

Ray Hollowell, Jr.

Printed name

Manager

Position or relationship to debtor

Bissell Professional Group  
BPG, Inc.  
PO Box 1068  
Kitty Hawk, NC 27949

Bruce Miller, CPA  
PO Box 70  
40222 Methodist Church Road  
Avon, NC 27915

Burke County Tax Collector  
P.O. Box 219  
110 North Green Street  
Morganton, NC 28680

Charles F. Miller, Jr. (Jt owner of Brown cla  
6389 Red Spruce Lane  
Sykesville, 21784

Coates & Davenport  
5206 Markel Road  
Suite 200  
Richmond, VA 23230

Estate of George W. Brown  
17500 Frederick Road  
Mount Airy, 21771

Gary Breen Smith  
2369 Breston Road  
La Grange, NC 28551

Kania Law Firm  
600 A Centre Park Drive  
Asheville, NC 28805

Lexis Funding, Inc. MPP  
Two University Plaza, Suite 402  
Hackensack, NJ 07601

OuterBanks/Kinnakeet  
8351 Fern Lane  
Connellys Springs, 28612

Pine Mountain Property Owners Association, In  
2885 Pine Mountain Drive  
Connellys Springs, NC 28612

Thomas R. Goddard, Guardian ad Litem  
3803B Computer Dr #103  
Raleigh, NC 27609

Tom Coates  
PO Box 11787  
5206 Markel Road, Suite 200  
Richmond, VA 23230



United States Bankruptcy Court  
Eastern District of Virginia

In re: Burke Mountain Southeast, LLC

Case No.

Chapter 11

Debtor(s)

**Verification of Creditor Matrix**

The above-named Debtor(s) hereby verify that the attached list of creditors is true and correct to the best of their knowledge.

Date: 08/27/2020

/s/ Ray Hollowell, Jr.

Signature of Individual signing on behalf of debtor

Manager

Position or relationship to debtor

**CORPORATE RESOLUTION  
OF BURKE MOUNTAIN SOUTHEAST, LLC**

The undersigned, being a managing member of Burke Mountain Southeast, LLC, a Virginia limited liability company (the "Company"):

WHEREAS, the Company owns real property in North Carolina but has its principal place of business in Richmond, Virginia and is a Virginia corporation;

WHEREAS, certain taxing authorities and other creditors have moved to foreclose upon or otherwise liquidate certain parcels of real property owned by the Company;

WHEREAS, it is in the business judgment of the manager, based upon the most current financial and other information in its possession, to file a Chapter 11 bankruptcy petition for the Company;

WHEREAS, the manager, in the exercise of its business judgment, desires to employ Karen Crowley, currently with Crowley Liberatore P.C., to represent it and file a Chapter 11 bankruptcy petition, in the Eastern District of Virginia, Richmond Division, for the Company and for Ray E. Hollowell, Jr. to serve as the designated representative for the Company in the Chapter 11 case;

NOW THEREFORE, BE IT,

RESOLVED: the Chapter 11 petition is approved to be filed with the United States Bankruptcy Court for E.D. of Virginia, Richmond Division or such other jurisdiction as is appropriate under the law and facts.

RESOLVED: that Ray E. Hollowell, Jr. shall serve as the designated representative in the Chapter 11 case.

RESOLVED: the Company is authorized to utilize the services of Karen Crowley, with Crowley Liberatore P.C. or any successor firm in which she is involved, to prosecute the Chapter 11 and to prepare the necessary paperwork for the completion of the Chapter 11.

The undersigned, being the sole Manager of the Company, adopts the foregoing resolutions in lieu of a formal meeting effective immediately.

Burke Mountain Southeast, LLC

By: /s/ Ray E. Hollowell  
Ray E. Hollowell, Jr. Manager

Date Signed: 08/27/2020

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

In re Burke Mountain Southeast, LLC  
Bon View Developers, LLC  
Debtor(s)

Case No.

Plaintiff(s)

Chapter

v.

Defendant(s)

Adversary No.

**CORPORATE OWNERSHIP STATEMENT**

Pursuant to FRBP 1007(a)(1), or FRBP 7007.1(a) the undersigned counsel for the following corporate entity:

Burke Mountain Southeast, LLC and Bon View Developers, LLC

in the above captioned case or adversary proceeding certifies that the following corporation(s), other than a governmental unit, directly or indirectly owns 10% or more of any class of the corporation's equity interest, or states that there are no entities to report under FRBP 1007(a)(1), or FRBP 7007.1(a):

☒ No entities to report under FRBP 1007(a)(1), or FRBP 7007.1(a) *[Check if applicable]*

8/28/2020

Date

/s/ Karen M. Crowley

Signature of Debtor's Counsel or  
Party in Adversary Proceeding